

The Senate Public Safety Committee offered the following substitute to SB 52:

A BILL TO BE ENTITLED
AN ACT

To amend Article 14 of Chapter 1 of Title 10, Title 16, and Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to secondary metal recyclers, crimes and offenses, and the Georgia Technology Authority, respectively, so as to provide for a registry of persons convicted of certain theft crimes; to change punishment provisions for violations of Article 14 of Chapter 1 of Title 10; to change punishment provisions relating to criminal damage to property in the first degree; to change punishment provisions relating to certain theft crimes involving ferrous metals or regulated metal property; to create the crime of failing to register on the metal theft registry; to provide for the Georgia Technology Authority to contract with the private sector to create a metal theft registry; to provide for conditions of such registry; to provide for definitions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metal recyclers, is amended by revising subsection (a) of Code Section 10-1-357, relating to penalties for violations, as follows:

"(a) Any person selling regulated metal property to a secondary metals recycler in violation of any provision of this article shall be guilty of a misdemeanor unless the value of the regulated metals property, in its original and undamaged condition, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft or removal of such regulated metal property, is in an aggregate amount which exceeds \$500.00, in which case such person shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than \$5,000.00 or by

imprisonment for not less than one nor more than five years, or both, and shall be required to register such conviction with the metal theft registry pursuant to Code Section 50-25-17."

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-7-22, relating to criminal damage to property in the first degree, as follows:

"16-7-22.

(a) A person commits the offense of criminal damage to property in the first degree when he or she:

(1) Knowingly and without authority interferes with any property in a manner so as to endanger human life; or

(2) Knowingly and without authority and by force or violence interferes with the operation of any system of public communication, public transportation, sewerage, drainage, water supply, gas, power, or other public utility service or with any constituent property thereof.

(b) A person convicted of the offense of criminal damage to property in the first degree shall be punished by imprisonment for not less than one nor more than ten years, and if such conviction is for violating paragraph (2) of subsection (a) of this Code section, such person shall be required to register such conviction with the metal theft registry pursuant to Code Section 50-25-17."

SECTION 3.

Said title is further amended by revising paragraph (9) of subsection (a) of Code Section 16-8-12, relating to penalties for various theft crimes in violation of Code Sections 16-8-2 through 16-8-9, as follows:

"(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was ferrous metals or regulated metal property, as such terms are defined in Code Section 10-1-350, and the aggregate amount of such property, in its original and undamaged condition, exceeds \$500.00, by imprisonment for not less than one nor more than five years, a fine of not more than \$5,000.00, or both, and such person shall be required to register such conviction with the metal theft registry pursuant to Code Section 50-25-17."

SECTION 4.

Said title is further amended by revising Article 2 of Chapter 10, relating to obstruction of public administration and related offenses, by adding a new Code section to read as follows:

59 "16-10-34.

60 Any individual who is required to register on the metal theft registry as specified in Code
61 Section 50-25-17 and who fails to comply with such requirement or who provides false
62 information shall be guilty of a misdemeanor."

63 **SECTION 5.**

64 Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia
65 Technology Authority, is amended by adding a new Code section to read as follows:

66 "50-25-17.

67 (a) The authority shall contract with the private sector to create a metal theft registry. The
68 authority shall monitor the success of such registry.

69 (b) The metal theft registry shall collect the name, address, and photograph of any
70 individual who is required to register pursuant to subsection (a) of Code Section 10-1-357,
71 subsection (b) of Code Section 16-7-22, or paragraph (9) of subsection (a) of Code Section
72 16-8-12. Registration shall not be required for any individual who is sentenced pursuant
73 to Article 3 of Chapter 8 of Title 42.

74 (c) Each registrant shall be required to pay a one-time registration fee, not to exceed
75 \$50.00, to the private sector entity selected by the authority and shall supply a current
76 photograph for the registry. A registrant shall be responsible for updating any change in
77 name or address within 30 days after such change.

78 (d) As used in this Code section, the term:

79 (1) 'Address' means the street or route address of the registrant's residence. For purposes
80 of this Code section, the term does not include a post office box.

81 (2) 'Photograph' means a passport quality and passport sized photograph."

82 **SECTION 6.**

83 This Act shall become effective on January 1, 2010, and shall apply to all persons convicted
84 on and after such date.

85 **SECTION 7.**

86 All laws and parts of laws in conflict with this Act are repealed.